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P23695.A02

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement by return of the form PTO-1449, and for the acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action. Applicant further gratefully acknowledges the Examiner's indication of the allowance of claims 18-29. Upon entry of the present amendment, claims 1 and 11 will have been amended, and claims 30-46 will have been added. Applicant notes that newly-added claims 30-46 generally correspond to original claims 1-16 and 18, and further recite a digital camera having, *inter alia*, a body. Applicant also notes that claim 11 has been amended solely to correct a grammatical error therein.

The Examiner has rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite, finding that, with respect to claim 1, "the lens barrel component" lacks antecedent basis. By the present amendment, Applicant has amended independent claim 1 to recite ---imaging element--- rather than "lens barrel component," to correct a clerical error, thereby obviating the Examiner's rejection. Further, although Applicant respectfully disagrees with the Examiner's rejection under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand what these elements are, Applicant has amended these claims solely to expedite the patent application process in a manner consistent with the PTO's patent business goals, 65 Fed. Reg.

54603 (September 8, 2000).

The Examiner has also noted that, with respect to claim 1, the limitation “a spring assembly configured to . . . said aligned position” renders the claims indefinite, finding that the claimed spring assembly cannot overcome its own resilient holding. While Applicant respectfully agrees with the Examiner’s determination, since an “assembly” can, in certain embodiments, comprise several components including a spring, the biasing force of which can be overcome by another component of the “assembly,” Applicant has elected to delete the limitation “overcome the resilient holding of the holder at said aligned position” from claim 1 (thereby broadening this claim), in order to expedite the patent application process. It is thus respectfully requested that the Examiner withdraw the rejection of claim 1 (and the claims dependent therefrom) under 35 U.S.C. § 112, second paragraph.

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 112, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

Applicant further calls the Examiner’s attention to U.S. Patent Publication No. 2004/0227844 to Sakamoto, which published on November 18, 2004. Applicant notes that while this publication is not prior art to the present application, and the claims contained therein are not understandable to the Applicant of the present application, in compliance with 35 U.S.C. § 135, Applicant calls this publication to the Examiner’s attention in the event that the Examiner may determine that any claims

P23695.A02

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therein contain subject matter that is substantially the same as any of the claims of the present application.

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COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF ALLOWABLE  
SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on October 1, 2004, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the above, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

As noted above, Applicant respectfully disagrees with the Examiner's rejection of the claims under 35 U.S.C. § 112, and emphasizes that these claims have been amended merely to address the typographical and grammatical errors. Nonetheless, as discussed *supra*, Applicant has elected to amend these claims solely for the purpose of expediting the patent application process in a manner with the U.S. Patent and Trademark Office's patent business goals 65 Fed. Reg. 54603 (September 8, 2000). Thus, these Amendments have not been made for a purpose related to patentability, but rather are clarifying amendments that are cosmetic in nature that are not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision by Applicant to narrow the claims in any way.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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*With: Boshuk*

*Reg. No. 44,550*

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